

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT APPEAL No: 1912 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
14/10/2004 in WP No: 5023 OF 1997 on the file of the High Court.)

Between:

1. Singareni Collieries Company Limited,
rep., by its Chairman & Managing Director,
Red Hills, Hyderabad.

2. Medical Board,
Singareni Collieries Co., Ltd.,
Kothagudem, Khammam District,
Rep., by its President, Dr. K. Mukunda Rao,
Chief Medical Officer.

**..... APPELLANTS
(Respondents)**

AND

Sri K. Gopikrishna, S/o. Krishnamurthy,
Aged: 42 years, R/o.20-75/4,
Near Contractors Colony

Bapujinagar, New Paloncha,
Khammam District – 507 115.

.....RESPONDENT
(Petitioner)

Counsel for the Appellants: MR.SK.SRINIVASA MURTHY

**Counsel for the Respondent: M/s.M. SUDHIR KUMAR
M.R.K.CHOWDARY**

The Court made the following:

ORAL ORDER: (BY GB,J.)

The Writ Appeal is directed against the interim order dated 14-10-2004 passed by the learned Single Judge in W.P.No.5023 of 1997. The Writ Petition was filed challenging the order dated 4-2-1997 issued by the Chairman & Managing Director, Singareni Collieries Company Limited. While admitting the writ petition, the following interim order was passed.

“In the circumstances, pending further orders, there shall be interim direction to consider the case of the petitioner to continue in service in some other capacity than E.P. Operator, within three weeks from the date of receipt of a copy of this order. Post after vacation.”

2. However, it appears additional affidavit was filed to the effect that the respondent's B.P. was normal at 120/80 and therefore, he can be again employed as E.P. Operator in the mines. On the basis of the said affidavit the learned Single Judge passed the order dated 14-10-2004 directing the management of the Singareni Collieries Company to reinstate the petitioner as E.P. Operator. The said order came to be challenged in this Writ Appeal.

3. After having heard the learned counsel for the appellants and also for the respondent, we find that already an interim order was passed as referred to above.

In pursuance of the said order the workman was continued as General Mazdoor. Therefore, the writ petition could have been finally disposed of instead of passing further interim order. If the order is implemented, it would create a further risk to the employee himself. The Writ Petition can be disposed of on its own merits. Accordingly, the improper orders are set aside.

4. The Writ Petition shall be posted for final hearing before the appropriate bench early. Subject to the above orders, the Writ Appeal is disposed of.

(G. BIKSHAPATHY, J.)

(CH.S.R.K. PRASAD, J.)

Date: 19-11-2004

ES

To

1. The Chairman & Managing Director, Singareni Collieries Company Limited, Red Hills, Hyderabad.

2. The President, Dr. K. Mukunda Rao, Chief Medical Officer.
Medical Board, Singareni Collieries Co., Ltd., Kothagudem, Khammam District,

3. 2 CD copies.